

**BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**

IN THE MATTER OF:)	Case 3325
)	
RANDY E. COLLINS, D.O.)	STIPULATION AND
Holder of License No. 1546 for the)	CONSENT TO ENTRY
practice of osteopathic medicine in the)	
State of Arizona.)	
_____)	

STIPULATION

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and Randy E. Collins, D.O. (hereinafter "Respondent"), the parties hereto agree to the following disposition to this matter.

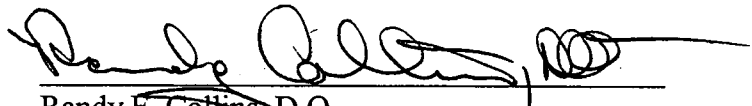
1. Respondent acknowledges that he has read this Stipulation and the attached Findings of Fact, Conclusions of Law and Consent Order for Probation, and Respondent is aware of and understands the content of these documents.
2. Respondent understands that by entering into this Stipulation and Consent Order, he voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the consent order in state or federal court.
3. Respondent understands that this Stipulation and Consent Order will not become effective unless approved by the Board and signed by its Executive Director.
4. Respondent further understands that this Stipulation and Consent Order, once approved and signed, shall constitute a public record which will be reported to the public, the National Practitioners Data Bank, the Federation of State Medical Boards, and, if appropriate, to other agencies as required by A.R.S. §§ 32-1855 (J) and (K).
5. Respondent admits to the statement of facts and conclusions of law contained in the

Findings of Fact, Conclusions of Law, and Consent Order for Probation.

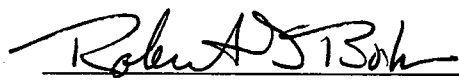
6. All admissions made by Respondent are solely for final disposition of this matter and any subsequent administrative proceedings or litigation involving the Board, Respondent and the State of Arizona; and, therefore, said admissions by Respondent are not intended for any other purpose or administrative regulatory proceeding or litigation in another state or federal court.

7. Respondent acknowledges and agrees that upon signing and returning this document (or a copy thereof) to the Board's Executive Director, he may not later revoke or amend this Stipulation or any part of the Consent Order, although said Stipulation has not yet been accepted by the Board and issued by its Executive Director, without first obtaining Board approval.


REVIEWED AND ACCEPTED this 23^d day of October, 2004.


Randy E. Collins, D.O.

REVIEWED AND APPROVED as to form by counsel for Respondent on this 23^d day of October, 2004.


Robert Bohm, Esq.
Counsel for Respondent

REVIEWED AND SIGNED this 10th November day of ~~October~~, 2004 for the Board by:


Elaine LeTarte, Executive Director
Arizona Board of Osteopathic Examiners
in Medicine and Surgery

**BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**

IN THE MATTER OF:)	Case 3325
)	
RANDY COLLINS, D.O.)	FINDINGS OF FACT,
Holder of License No. 1546 for the)	CONCLUSIONS OF LAW
practice of osteopathic medicine)	AND CONSENT ORDER FOR
in the State of Arizona.)	PROBATION
_____)	

On March 12, 2004, the Arizona Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") held a public meeting to consider Case 3325 regarding Randy E. Collins, D.O. (hereinafter "Respondent"). After considering evidence and hearing testimony, the Board entered Findings of Fact, Conclusions of Law, and an Order of Summary Suspension.

On March 25, 2004, the Board received a Notice of Appearance that Robert D. Bohm, Esq, would present Respondent in this matter. On March 31, 2004, pursuant to A.R.S §§ 41-1092.05 (D) and 32-1855(M), the Board issued and served a Complaint and Notice of Hearing to Respondent, and set the hearing for 1:00 p.m., May 8, 2004, 9535 E. Doubletree Ranch Rd., Scottsdale AZ 85258.

On May 8, 2004, the Board granted Respondent's request for continuance until such time as Respondent returned from a treatment program he voluntarily entered. On August 9, 2004, the Board received notice that Respondent had returned from the program.

On August 13, 2004, pursuant to A.R.S §§ 41-1092.05 (D) and 32-1855(M), an Amended Notice of Hearing was issued, setting the hearing for 1:00 p.m., October 23, 2004, 9535 E. Doubletree Ranch Rd., Scottsdale AZ 85258.

At the request of Respondent and his counsel, at a public meeting on October 23, 2004, the Board considered and voted to enter this Stipulation and Consent to Entry of Findings of Fact,

Conclusions of Law, and Order for Probation.

STATEMENTS OF JURISDICTION

1. The Board is empowered, pursuant to A.R.S. §§ 32-1800 et seq. to regulate the licensing and practice of osteopathic medicine in Arizona.
2. Respondent holds license No. 1546 to practice osteopathic medicine in Arizona.
3. Pursuant to Arizona Revised Statutes § 32-1800, et seq., the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

FINDINGS OF FACT

3. On August 31, 2003, Respondent consented to the Board's entry of an Order of Probation of License, in resolution of Case 3167. The Order was effective September 11, 2003. One term of that Order was that "Respondent shall abstain completely from the consumption of alcoholic beverages or any substance with alcohol..."

4. On Monday, February 23, 2004, Respondent submitted a urine sample for testing at 4:40 p.m. MST. On March 8, 2004, the Board was notified that the sample tested positive for alcohol, showing the presence of the Ethyl Glucuronide at 4,100 ng/ml. According to National Medical Services, Inc., the laboratory that conducted the test, "Any value greater than 250 ng/ml indicated Ethanol consumption within 24 hours of the specimen collection."

5. On Monday, March 8, 2004, Respondent submitted a urine sample for testing at 3:50 p.m. MST. On March 16, 2004, the Board was notified that the sample tested positive for the presence of the EtG at more than 10,000 ng/ml. According to National Medical Services, Inc., the laboratory that conducted the test, "Any value greater than 250 ng/ml indicated Ethanol consumption within 24 hours of the specimen collection."

6. At the meeting on March 12, 2004, Respondent testified that he had been working on February 23, 2004. On March 8, 2004, Respondent had notified the Board that he had been in surgery that morning and early afternoon.

CONCLUSIONS OF LAW

6. The Board has the authority to enter into a stipulated order for disciplinary action against a licensee, pursuant to A.R.S. § 41-1061(D), A.R.S. § 32-1855 and A.R.S. § 32-1861(D).

7. The conduct described in paragraphs 3-6 above constitute unprofessional conduct, specifically, a violation of A.R.S. § 32-1854:

(3) Practicing medicine while under the influence of alcohol, narcotic or hypnotic drugs or any substance that impairs or may impair the licensee's ability to safely and skillfully practice medicine.

(20) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any of the provisions of this chapter.

(26) Violating a formal order, probation or a stipulation issued by the Board under this chapter.

(40) Any conduct or practice that endangers a patient's or the public's health or may reasonably be expected to do so.

(41) Any conduct or practice that impairs the licensee's ability to safely and skillfully practice medicine or that may reasonably be expected to do so.

ORDER

Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED THAT:**

1. Effective October 23, 2004, Randy E. Collins, D.O. ("Respondent"), Board license 1546 is placed under **PROBATION** for five (5) years and he shall comply with the terms and conditions of probation as set forth herein:

2. Respondent shall obtain psychiatric or psychological treatment by a therapist(s) who is either a licensed psychiatrist and/or psychologist and is selected by Respondent and approved by

the Board. Respondent shall inform the Board in writing, within ten days of the date of this Order, of the therapist's name, address and telephone number. Respondent shall comply with the therapist's recommendation for the frequency of therapy treatment sessions, and shall undertake and fully cooperate with a program of treatment established by the therapist. In the event Respondent changes therapists, he shall give the Board written notice within ten (10) days of said action. In the event that Respondent is treated with psychotropic drugs, those drugs must be prescribed and monitored by a psychiatrist.

3. Respondent's therapist(s) shall receive a copy of this Order and Board staff shall cooperate with and disclose all relevant information in the Board's files concerning Respondent. The treating therapist shall be directed by Respondent to send to the Board a written progress report within 30 days of the initial visit and afterward upon request, for the remainder of the probation. Respondent shall waive any confidentiality concerning his psychotherapy so that the Board may receive full disclosure of information. The expense of the therapy and the reports to the Board by Respondent's therapist shall be the sole responsibility of the Respondent.

4. Respondent shall provide a copy of this Order and any subsequent Orders or Amendments to all facilities where Respondent is currently (or subsequently) employed as a physician and/or has (or subsequently receives) privileges to engage in the practice of medicine.

5. Respondent shall provide notice of his substance abuse history to all treating health care providers with authority to prescribe controlled substances, such as physicians, dentists, physician assistants, and nurse practitioners, including those seen at emergency rooms or urgent care centers. Notice may be accomplished by providing a copy of this Order to each health care provider, or by otherwise ensuring that his substance abuse history is documented in the provider's medical records of Respondent's care. Also, Respondent shall notify the Board staff of the name of any

health care provider from whom he sought care within 72 hours of his first visit to that health care provider. Respondent shall notify the Board of the name of his primary care provider who will monitor all prescriptions written for Respondent.

6. Respondent shall abstain completely from the consumption of alcoholic beverages or any substance with alcohol (i.e. cough syrups); and Respondent shall not consume illicit drugs or take any controlled substances (i.e., prescription only drugs), unless they are prescribed for him by a health care provider who has been notified of his substance abuse history. Respondent shall provide to the Board staff a monthly log of all drugs and over the counter medications he has been prescribed or has taken.

7. Respondent shall submit to random biological fluid testing at a facility approved by the Board. For the first six months of the probation, the testing shall be done weekly. Respondent shall promptly provide (i.e., within sixty (60) minutes of notification) required biological fluids for testing. Testing shall be done at the Respondent's expense. Failure to submit to testing, without prior notice to the Board staff of an excused reason, shall be treated as if the test results were positive for alcohol or drugs.

8. Respondent shall participate in a minimum of three (3) self-help meetings per week. The self-help meetings may be through such organizations as Alcoholics Anonymous, Narcotics Anonymous, Cocaine Anonymous, or a doctor's Caduceus group. Respondent shall keep a log of all meetings attended and have each meeting he attends signed by the chairperson of the meeting. Respondent will provide the Board with a copy of the signed log the first of every month.

9. If the Board so orders, Respondent shall submit to and cooperate in any independent medical or psychological evaluation that may be ordered by the Board and conducted by a designated physician and/or psychologist, which shall be paid for by Respondent.

10. Respondent shall appear before the Board or staff upon receipt of a request by written, telephonic, or electronic notification from the Board staff given at least five (5) days prior to the meeting.

11. Respondent shall reimburse the Board for all expenses associated with the investigation, hearing and continued monitoring of this matter.

12. Respondent shall continue to meet all licensing requirements, including renewal of his license and payment of applicable fees pursuant to A.R.S. § 32-1825.

13. In the event Respondent moves from Arizona or ceases to practice medicine in Arizona while still maintaining an Arizona license, he shall give written notice to the Board within twenty (20) days of moving or ceasing practice. The Board may stay the terms and duration of probation until Respondent again practices medicine in Arizona, or may take other action.

14. Respondent's failure to comply with the terms of this Order shall constitute unprofessional conduct as defined at A.R.S. § 32-1854(26) and may be considered grounds for further disciplinary action.

ISSUED this 10th day of November 2004.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: 
Elaine LeTarte, Executive Director

Copies of the foregoing mailed
this 12th day of November, 2004 to:

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Bohm Boyle & Jones
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Phoenix AZ 85106

Randy Collins, D.O.
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> Certified mail

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